



March 5, 2010

**VIA ELECTRONIC FILING**

Honorable Dickinson R. Debevoise, Sr., U.S.D.J.  
U.S. District Court, District of New Jersey  
M. L. King, Jr. Federal Building  
U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

Re: Walsh Securities, Inc. v. Cristo Property Management, et al.  
Civil Action No. CV 97-3496 (DRD) (MAS)

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Dear Judge Debevoise:

We represent the defendant/third-party plaintiff Commonwealth Land Title Insurance Company. We are in receipt of a March 2, 2010 letter and its enclosure from Edward C. Bertucio, Esq., the attorney for co-defendant Michael Alfieri, Esq., to Your Honor submitting an Order Dismissing Matter With Prejudice as to Defendant Michael Alfieri, Esq. and Removing Hobbie, Corrigan, Bertucio & Tashjy, P.C., Counsel for Michael Alfieri, Esq. From the List of Counsel to be Noticed.

We object to the entry of that Order. The plaintiff has agreed to dismiss the Complaint as against defendant Michael Alfieri, Esq. However, our Answer to the Fourth Amended Complaint (Document No. 304, filed 07/23/2009) contains both a cross claim for indemnification and a cross claim for contribution against defendant Michael Alfieri, Esq. Hence, while the Complaint against defendant Alfieri may have been dismissed by stipulation, both of our cross claims have not been dismissed and remain on file.

If defendant Alfieri believes that our cross claim should be dismissed it is plain that under the Federal Rules of Civil Procedure he must make a motion to dismiss those claims. For these reasons we object to the entry of the Order that Mr. Bertucio forwarded with his March 2, 2010 letter to Your Honor.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "DK", written over a horizontal line.

David R. Kott

DRK/srv

cc: Robert A. Magnanini, Esq. (via fax & regular mail)  
Edward J. Hayes, Jr., Esq. (via fax & regular mail)  
Martin R. McGowan, Esq. (via fax & regular mail)  
Edward C. Bertucio, Esq. (via fax & regular mail)

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